Missouri Department of Mental Health
Division of Alcohol and Drug Abuse

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Mark Stringer
Division Director

New Federal Regulations Restricting Youth Access to Tobacco

Signed into law in Summer 2009, the Family Smoking Prevention and Tobacco Control Act gives the U.S. Food and Drug Administration (FDA) the authority to regulate the manufacture, marketing, and distribution of tobacco products. Preventing youth from purchasing tobacco products is a priority for FDA. Provisions of the new regulations will go into effect June 22, 2010.

***Selling Cigarettes or Smokeless Tobacco to Youth is Prohibited*:** Under the new regulations, cigarettes and smokeless tobacco may not be sold to anyone younger than 18 years of age (21 CFR 1140.14). The federal regulations do not apply to cigars, pipe tobacco, hookah tobacco, or rolling papers. Under Missouri state law, *any product containing tobacco or rolling papers may not be sold to any person under 18 years of age* (RSMO 407.926).

FDA may issue civil penalties and/or injunctions against retailers for non-compliance with federal regulations. The penalty imposed depends on whether the retailer had an FDA-approved training program in place. In addition to civil penalties, FDA may issue a no-tobacco-sale order prohibiting the sale of tobacco products at an outlet where a person has committed repeated violations.

Civil Penalties for Non-Compliance with Federal Regulations Shall Not Exceed...

	With an FDA-approved Training Program	Without an FDA-approved Training Program
1st violation	warning letter	$250
2nd violation within 12 months	$250	$500
3rd violation within 24 months	$500	$1,000
4th violation within 24 months	$2,000	$2,000
5th violation within 36 months	$5,000	$5,000
6th or subsequent violation within 48 months	$10,000	$10,000

Photo ID must be Checked: Federal law requires tobacco retailers to verify the person's age by examining photogenic identification containing the person's date of birth. Age verification is required for any patron seeking to purchase cigarettes or smokeless tobacco who appears to be younger than 27 years. Under Missouri state law, evidence of reliable identification is a valid driver's license issued by any of the states, possessions, districts, or territories of the United States; a Missouri non-driver's identification card; a valid U.S. military identification card, or a valid passport (RSMO 407.929).

Selling Single Cigarettes "Loosies" and Unpackaged Smokeless Tobacco is Limited: Federal law prohibits the selling of single cigarettes or packages containing fewer than 20 cigarettes except in adult-only establishments (21 CFR 1140.14). The sale of single cigarettes is prohibited under Missouri state law, including adult-only establishments (RSMO 407.931). Under federal law, the selling of unpackaged smokeless tobacco or smokeless tobacco in containers smaller than that used by the manufacturer is prohibited (21 CFR 1140.14).

Vending Machines are Restricted to Adult-only Establishments: Cigarettes and smokeless tobacco may not be sold through a vending machine except at establishments where persons under the age of 18 are denied entry (21 CFR 1140.14).

Free Samples are Limited: Federal regulations prohibit the distribution of free samples of cigarettes. Free samples of smokeless tobacco is limited to certain qualified facilities which do not allow access by persons under the age of 18 (21 CFR 1140.16).

Selling Tobacco Promotional Items or Offering Gifts with a Tobacco Purchase is Prohibited: Federal law prohibits the selling of non-tobacco items, such as T-shirts and novelty items bearing a cigarette or smokeless tobacco brand-name, logo, or trademark. Retailers are also prohibited from offering gifts or other items in connection with the sale of a tobacco product (i.e. free T-shirt with purchase of a carton of cigarettes) (21 CFR 1140.34).

For more information please contact the Division of Alcohol and Drug Abuse at (573)751-4942 or email: adamail@dmh.mo.gov